



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

Record of Commission Action
Commissioners Voting by Ballot*

Commissioners Voting: Chairman Hal Stratton
Commissioner Thomas H. Moore

ITEM:

Proposed Fiscal Year 2005 Regulations Review Program and Draft *Federal Register*
Notice to Announce Program
(Briefing package dated March 25, 2005, OS No. 3422)

DECISION:

The Commission voted 2-0 to approve the Fiscal Year 2005 program and *Federal Register* notice as drafted. The Office of Management and Budget (OMB) developed a Program Assessment Rating Tool (PART) to assess program performance and management in various federal agencies. As part of this program, OMB recommended that the Commission "develop a plan to systematically review its current regulations to ensure consistency among all regulations in accomplishing program goals. The proposed Fiscal Year 2005 regulatory review program proposed for review one regulation each from the four major statutes administered by the Commission. The rules selected for review are (1) Standards for cigarette lighters and multi-purpose lighters, 16 C.F.R. Part 1210 and Part 1212; (2) Requirements for bicycles, 16 C.F.R. Part 1512; (3) Standards for surface flammability of carpets and rugs, 16 C.F.R. Parts 1630 and 1631; and (4) Child-resistant packaging for controlled substances, 16 C.F.R. Part 1700.14(a)(4). The draft FR notice solicits written comments from interested persons concerning the four designated regulations.

Commissioner Moore submitted the attached statement to accompany his vote.

For the Commission:

A handwritten signature in black ink, appearing to read "Todd A. Stevenson".

Todd A. Stevenson
Secretary

* Ballot vote due March 31, 2005

**STATEMENT OF THE HONORABLE THOMAS H. MOORE
ON THE PROPOSED FISCAL YEAR 2005 REGULATIONS REVIEW
PROGRAM**

March 31, 2005

I am voting to approve this request for comments on certain regulations designated for review, but not without some comments of my own. In the past, CPSC has reviewed its older regulations when it became apparent that changes were required, either because technology had changed, products used in test methods were no longer available, or other significant issues were brought to our attention that required revision to a regulation. We have done this several times during my tenure and we have at least one in the works that we have had to defer because of resource limitations. It is resource limitations that I am concerned about with this rule review initiative.

We should never think our past actions are beyond improvement, however, when resources are tight we have to weigh review of past actions (which are working relatively smoothly) against our ability to pursue new initiatives to protect American consumers. This current review initiative recognizes our resource difficulties, but has us putting four regulations out for comment every year, for possible revision. Analyzing comments takes staff resources. Starting a rulemaking to make changes takes even more.

If future appropriations reduce our resources, I would rather focus the resources we do have on saving more lives than on reducing paperwork burdens or making technical revisions to current standards. While these "clean up" projects may satisfy the need that some have to streamline government, they are projects we may not have the luxury of pursuing. This is not to say that if there are genuine issues that have been brought to our attention about revisions that need to be made that we should not make them. It is merely to say that to invite changes for change sake takes precious resources away from our primary mission.